

Message Text

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PAGE 01 PORT O 00972 011424Z

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ACTION ARA-20

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FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC 6327

INFO AMEMBASSY LONDON

UNCLAS PORT OF SPAIN 0972

E.O. 11652: N/A

TAGS: PINS, TD, UK

SUBJECT: CONVICTED MURDERER ABDUL MALIK LOSES APPEAL

REF: POS 587

1. ON APRIL 30 THE TRINIDAD AND TOBAGO COURT OF APPEAL DISMISSED THE APPEAL OF MICHAEL DE FREITAS, AKA ABDUL MALIK AND MICHAEL X, FROM FEBRUARY HIGH COURT RULING THAT DEATH PENALTY NOT UNCONSTITUTIONAL.

2. APPEAL COURT CONSISTED OF CHIEF JUSTICE SIR ISAAC HYATALI, JUSTICE M. A. CORBIN, AND JUSTICE C. E. PHILLIPS. RULING WAS UNANIMOUS, ALTHOUGH EACH JUSTICE INDIVIDUALLY READ HIS OWN LENGTHY FINDINGS DISCUSSING AT LENGTH THE ARGUMENTS WHICH HAD BEEN RAISED BY MALIK'S LAWYERS AND HOLDING THAT DEATH PENALTY NEITHER INFRINGED RIGHTS GUARANTEED BY T&T CONSTITUTION NOR CONTRARY TO SPIRIT OF LAW.

3. COURT ALSO REJECTED DEFENSE MOTION FOR INSANITY RULING ON GROUNDS OF REPORT BY COURT APPOINTED PSYCHIATRIST THAT MALIK IS SANE.

4. COURT RULING ON CONSTITUTIONALITY OF DEATH SENTENCE MAY NOW BE APPEALED TO PRIVY COUNCIL IN LONDON AND MALIK'S ATTORNEYS HAVE ANNOUNCED THEY WILL FILE SUCH APPEAL. THIS WOULD BE SECOND TIME MALIK'S CASE IS APPEALED TO THE PRIVY COUNCIL SINCE ORIGINAL CONVICTION

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PAGE 02 PORT O 00972 011424Z

WAS UNSUCCESSFULLY APPEALED EARLIER. UNLESS UNFORESEEN ASPECTS

MATERIALIZE, LAWYERS HERE BELIEVE A NEW APPEAL TO PRIVY COUNCIL
WILL BE FINAL ACT IN LEGAL BATTLE ON BEHALF OF MALIK AND THAT IF
PRIVY COUNCIL DECLINES TO HEAR CASE OR REJECTS APPEAL WAY WILL BE
OPEN FOR DEATH SENTENCE TO BE CARRIED OUT.

5. GENERAL REACTION HERE IS ONE OF EXASPERATION THAT MALIK HAS
BEEN ABLE TO FORESTALL EXECUTION OF SENTENCE SO LONG. WE DO
NOT ANTICIPATE ANY LAST MINUTE MOVEMENT TO DEVELOP WITHIN
TRINIDAD TO "SAVE MALIK."
MILLER

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